

FAX RECEIVED

JUL 31 2002

GROUP 1600

**MCHALE & SLAVIN, P.A.**  
ATTORNEYS AT LAW

PALM BEACH  
FIRST UNION CENTER  
SUITE 402, 4440 PGA BOULEVARD  
PALM BEACH GARDENS, FLORIDA 33410  
e-mail: palmbeach@mspatents.com  
TELEPHONE (561) 625-6575  
FACSIMILE (561) 625-6572

U.S. & INTERNATIONAL  
PATENTS, TRADEMARKS, COPYRIGHTS,  
RELATED LICENSING & LITIGATION

e-mail: miami@mspatents.com  
TELEPHONE (305) 374-3311  
FACSIMILE (305) 374-6238

CHICAGO  
e-mail: chicago@mspatents.com  
TELEPHONE (312) 939-8515

OFFICIAL

July 30, 2002

TELECOPIER COVER SHEET

TO: Examiner N. Glitsky  
PTO-Group Art Unit 1631

TELECOPIER NO.: (703) 872-9306

FROM: Susan Hess  
McHale & Slavin

PAGES INCLUDED: 4 (including cover sheet)

TELECOPIER NO.: (561) 625-6572

REGARDING: Serial No. 09/846,330  
Our Ref: 2132.007

SPECIAL INSTRUCTIONS:

Enclosed please find a Transmittal Letter and Petition under 37 CFR §1.102 for the above-identified application.

In the event you have any questions, please do not hesitate to contact our office at (561) 625-6575.

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in the facsimile transmission is confidential and private; it is intended to be disclosed only to the individual(s) to whom it is addressed. Any other person who reads, uses and/or discloses the information it contains may be violating Federal and/or State rights of the sender and the intended recipient(s). If this fax has been transmitted to the wrong number, please immediately destroy it and notify the sender of the mistaken transmission by fax or telephone.

JUL 31 2002

GROUP 1600

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below to Examiner N. Glitsky at (703) 872-9306.

Date: 7-30-02

Susan Hess  
Susan Hess

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: : Jackowski et al.  
INVENTION: : PROCESS FOR DIAGNOSIS OF PHYSIOLOGICAL  
CONDITIONS BY CHARACTERIZATION OF  
PROTEOMIC MATERIALS  
SERIAL NUMBER: : 09/846,330  
FILING DATE: : April 30, 2001  
EXAMINER: : Glitsky, N.  
GROUP ART UNIT: : 1631  
ATTORNEY DOCKET NO: : 2132.007

OFFICIAL

TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please find enclosed for filing:

- ☒ Petition Under 37 CFR §1.102
- ☒ Please charge Deposit Account No. 50-1803 in the amount of \$130.00 for Petition fee.
- ☒ Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-1803

Respectfully Submitted,

Date: 7/30/2002

Ferris H. Lander  
Ferris H. Lander  
Reg. No. 43,377  
McHale & Slavin, P.A.,  
4440 PGA Boulevard, Suite 402  
Palm Beach Gardens, FL 33410  
Telephone: (561) 625-6575

#5  
BP  
9-17-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Jackowski, et al.

INVENTION : PROCESS FOR DIAGNOSIS OF  
PHYSIOLOGICAL CONDITIONS BY  
CHARACTERIZATION OF PROTEOMIC  
MATERIALS

SERIAL NUMBER : 09/846,330

FILING DATE : April 30, 2001

EXAMINER : Glitsky, N.

GROUP ART UNIT : 1631

OUR FILE REF. NO. : 2132.007

-----  
TO: Commissioner of Patents & Trademarks

**PETITION UNDER 37 CFR § 1.102**

SPECIAL STATUS FOR APPLICATIONS RELATING TO BIOTECHNOLOGY  
FILED BY APPLICANTS WHO ARE SMALL ENTITIES

Sir:

This Petition is filed pursuant to 37 CFR 1.102, to request that application S.N.09/846,330, related to biotechnology, filed by George Jackowski et al., a small entity, and entitled "PROCESS FOR DIAGNOSIS OF PHYSIOLOGICAL CONDITIONS BY CHARACTERIZATION OF PROTEOMIC MATERIALS" be granted "special" status.

Applicant herein states that applicant is a small entity, such status being established for S.N. 09/846,330 by submission of the filing fee for a small entity on Aug. 22, 2001.

Applicant further states that the subject matter of the application is a major asset of the small entity.

Applicant additionally states that the development of the technology of S.N. 09/846,330 will be significantly impaired if examination of the patent application is delayed.

09/17/2002 WPHILLIP 00000001 501803 09846330

Sale Ref: 00000001 DAI: 501803 09846330

01 FC:122 130.08 CH Page 1 of 2

The application deals with a process for determining a proteomic basis for development and progression of abnormal physiological conditions in a patient. Development of the technology to a commercial level requires that an economy of scale be achieved. In order for this to happen, it is incumbent upon applicant to submit evidentiary materials to various manufacturers of diagnostic devices and central laboratory processing facilities and to professionals in the area of performance of clinical trials such that they will feel confident in expanding production of the claimed technology to a point at which it becomes sufficiently inexpensive to be put into widespread use. This will require that examination of the application be accelerated so that the likelihood of obtaining patent protection can be ascertained.

Therefore, applicant respectfully requests that this petition for "special" status be granted.

On information and belief, this Petition is submitted prior to mailing of an action on the merits.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

(DATE)

July 4, 2002

George Jackowski

G:\FILES\FI\2132\_007pctmakespecial.wpd